



MEMORANDUM

DATE: June 15, 2020
For June 30, 2020 Hearing

TO: John Iurino
Zoning Examiner

FROM: Scott Clark, Director
Planning & Development Services

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-20-04 4-D Properties – Campbell Benson, R-1, MH-1, & C-2 to OCR-1
(Ward 5)

Issue – This is a request by Brian Underwood of The Planning Center, on behalf of the property owners, 4-D Properties, LLC, to rezone approximately 23 acres from R-1, MH-1, and C-2 to OCR-1 zoning. The rezoning site is located east of Kino Parkway, south of Kino Sports Complex between Benson Highway and the Julian Wash, approximately one-half mile south of Interstate 10 (see Case Location Map). The preliminary development plan proposes a mixed-use activity center with a sports and tourism focus including retail, restaurants, entertainment, and hospitality. The project will also feature an indoor sports practice facility and outdoor event space to complement the Kino Sports Complex and future facilities for regional sports tournaments. The site is comprised of vacant land, except for two existing billboards.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of OCR-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Undeveloped

Zoning Descriptions:

Existing: Residence Zone (R-1) – This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Existing: Mobile Home Zone (MH-1) – This zone provides for low to medium density, residential development primarily in mobile home buildings on individual lots and within mobile home parks. Civic, educational, recreational, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.

Existing: Commercial Zone (C-2) – This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Proposed: Office/Commercial/Residential Zone (OCR-1) – The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers or at transit centers. High-density residential and including agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted provided design and development standards apply. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

Surrounding Zones and Land Uses:

North: Zoned R-1 & PAD-18; Julian Wash, & Kino Sports Complex

South: Zoned C-2; Mixed-Commercial (Lodging, Retail, Construction, Medical Marijuana Dispensary, etc.)

East: Zoned R-1, MH-1; Julian Wash, & Manufactured Homes

West: Zoned C-2; Mixed-Commercial (Lodging, Construction, Medical Marijuana Dispensary, etc.)

Previous Cases on the Property: none

Related Cases:

C9-07-26 Irvington Commons, R-1, R-2, and C-2 to C-2, C-1, and OCR-1 This was a rezoning request for approximately 16.02 acres located directly north of the subject rezoning on the east side of Kino Parkway, south of Kino Parkway and Interstate 10 (I-10) interchange to allow the development of a mix of retail, office uses, and alternative design that included a hotel. On March 18, 2008, Mayor and Council approved Ordinance No. 11020 however no building permit, subdivision plat, or site inspection was ever done effectuating the requested zoning.

C9-17-08 BP Swan Investors, LLC, R-1 to OCR-1 This was a rezoning request for approximately 27.78 acres located 3.3 miles northeast of the subject rezoning at the southeast corner of Swan Road and 29th Street to allow the development of 18,000 square feet of commercial and food services as well as 755,250 square feet of administrative and professional offices. On November 8, 2017, Mayor and Council approved Ordinance No. 11020 however no building permit or site inspection was ever completed to effectuate the requested zoning.

Applicant's Request – “Rezoning to OCR-1 (Office/Commercial/Residential Zone) is requested for a phased mixed-use center consisting of approximately 254,000 square feet of commercial space to include hospitality, restaurants, and retail.”

Planning Considerations – Land use policy direction for this area is provided by the *Kino Area Plan* and *Plan Tucson*. The rezoning site is located within both the Neighborhoods with Greater

Infill Potential and the Mixed-Use Corridors building blocks as identified on the Future Growth Scenario Map of *Plan Tucson*. Neighborhoods with Greater Infill Potential are residential neighborhoods and commercial districts for which there is potential for new development and redevelopment in the next several decades. Mixed-Use Corridors provide a higher-intensity mix of jobs, services and housing along major streets. The businesses and residences within these corridors will be served by a mix of high-frequency transit options, as well as pedestrian and bicycle facilities.

Plan Tucson supports the retention and expansion of existing businesses as well as infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and also adhere to relevant site and architectural design guidelines. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

Plan Tucson policies also promote quality and safety in design, compatibility with and adequate buffering of surrounding development, the planting and management of healthy, attractive urban vegetation, and the conservation and enhancement of environmentally sensitive habitat. Urban heat island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water use urban forest. New development should utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

The rezoning site is located within *Kino Area Plan* Commercial Site 7. Site 7 policies support a mix of commercial, office, and residential uses along the northeast side of Benson Highway between Ajo Way and Irvington Road, and along Kino Parkway between I-10 and Benson Highway. The *Kino Area Plan* also calls for treatment along the Julian Wash to incorporate recreation facilities, including a shared-use trail to provide connectivity with the recreation facilities located at Ajo Way and Country Club Road, and to maintain and improve access for users west of Kino Parkway, and reinforces and supports the regional trail network along the Julian Wash. This rezoning is consistent with those policies.

Field inspection by staff indicates there are two existing billboards on the site. One is located just north of the intersection of Benson Highway and Irvington Road, and the other just east of parcel #132-19-0120. These billboards will be required to be removed prior to effectuation of the rezoning.

Future development must be in substantial conformance with the Preliminary Development Plan. Minor changes may be considered. Major changes require an amendment approved by Mayor and Council.

Design Considerations

Land Use Compatibility – *Plan Tucson* emphasizes design compatibility of new projects with adjacent land uses. The applicant is proposing a variety of commercial land uses. This type of development on existing vacant land meets the infill and mixed-used goals for the area outlined in *Plan Tucson*. Proposed uses include, travelers accommodations/lodging, retail commercial,

restaurants, and sports facilities, with building heights ranging from maximums of 30 feet for retail and restaurant uses, approximately 50 feet for sports and entertainment facilities, and between 90 and 110 feet for hospitality/hotel uses.

Immediately to the south of the rezoning site and along Benson Highway are commercial uses, zoned C-2. To the north and east of the site are the Julian Wash corridor, zoned R-1 and the Kino Campus PAD which is currently vacant undeveloped land, zoned PAD-18. A minimum 58-foot setback is proposed from the edge of Julian Wash for all structures. There are manufactured homes, zoned MH-1 directly across the Tucson Boulevard alignment near the southeast edge of the rezoning site. West of the site across Kino Parkway/Campbell Avenue, are mixed commercial uses, zoned C-2. Directly to the east of the site are multi-family uses, zoned R-3, with an R-1 zoned City park just beyond.

Road Improvements/Vehicular Access/Pedestrian Circulation – According to the Preliminary Development Plan (PDP) dated March 10, 2020, direct vehicular ingress/egress to the rezoning site will be by way of four points along Benson Highway, including a main access point to the Kino South Sports Complex. The northernmost access driveway along Kino Parkway will be limited to right-in/right-out only due to an existing median in Swan Road. Three of the four access points from Benson Highway will be right-in/right-out only, but the main sports complex entrance will have access to and from both directions on Benson Highway with the presence of an existing median opening.

Both Kino Parkway/Campbell Avenue and Benson Highway are classified as arterial Gateway Routes on the *Major Streets and Routes Plan (MS&RP)*, with both having a planned right-of-way of 150 feet. Tucson Boulevard, to the south and east of the rezoning site is also designated as a Gateway arterial route on the *MS&RP*, with a right-of-way of 120 feet.

A traffic impact statement was conducted in December 2019 and January 2020. Suggested improvements included increased turn lane storage and traffic signal phasing to provide greater left turn capacity, and completion of the main west end driveway for the Kino South Sports Complex, located at the median opening in Kino Parkway north of the rezoning site.

The traffic impact statement states that the proposed development is anticipated to generate 10,409 net new vehicle trips.

Conclusion – The proposed rezoning of the site from R-1, MH-1, & C-2 to OCR-1 is suitable for this location, and is in compliance with the *Kino Area Plan* and *Plan Tucson*. Subject to compliance with the attached preliminary conditions, approval of the requested OCR-1 zoning is appropriate.

C9-20-04 4-D Properties – Campbell Benson – R-1, MH-1, & C-2 to OCR-1
(Ward 5)
Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan, both dated March 10, 2020, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (l) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”. The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

LAND USE COMPATIBILITY

5. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
6. Graffiti shall be removed within seventy-two (72) hours of discovery.
7. Building heights shall not exceed 110 feet above design grade elevation.

BILLBOARD REMOVAL

8. The two billboards located on the rezoning site shall be removed prior to

date of approval of any grading permit or building permit on the site, or by no later than two years from date of authorization by Mayor and Council, whichever date comes first.

TUCSON AIRPORT AUTHORITY

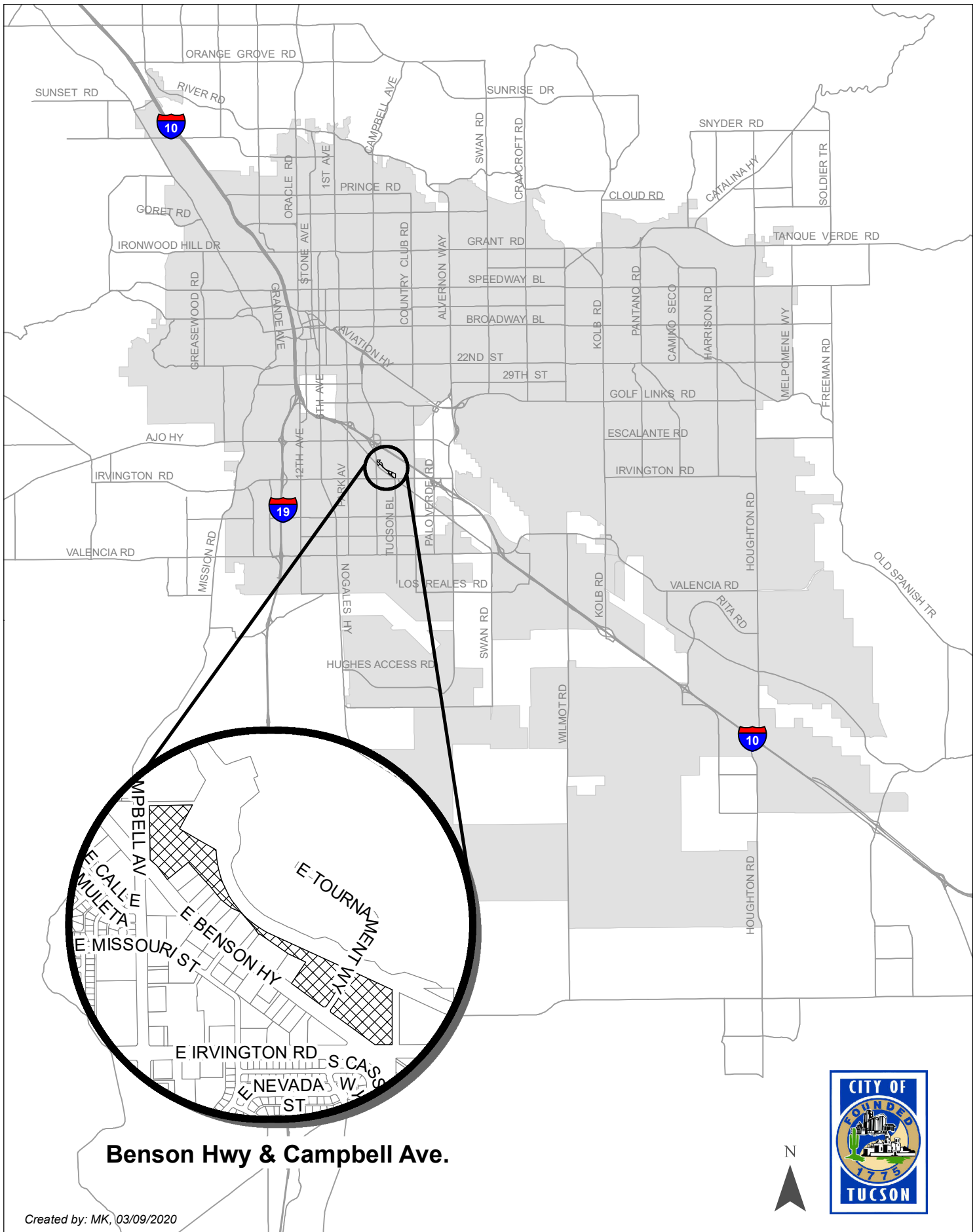
9. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant shall file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Prior to the City's approval of any construction permit, and before any proposed subdivision of the property, the property owner shall record the TAA-approved Avigation Easement which discloses the existence, and operational characteristics of the Tucson International Airport to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property. The Avigation Easement shall be recorded in a manner with the Pima County recorder which shall document it as having title liability. The content of such documents shall be according to the form and instructions provided.

The current property owner/developer/applicant or other person authorized to sign on behalf of the current property owner shall complete, sign, and record the Avigation Easement with the Pima County Recorder's Office. Once the Avigation Easement is recorded send a complete copy of the recorded easement document, which contains all pages which were recorded, to Tucson Airport Authority by either email (send to srobidoux@flytucson.com) or to the mailing address provided below:


Scott Robidoux
Senior Airport Planner
Tucson Airport Authority
7250 South Tucson Boulevard
Suite 300
Tucson, AZ 85756

C9-20-04 4-D Properties - Campbell/Benson
Rezoning Request: From R-1, MH-1, and C-2 to OCR-1



C9-20-04 4-D Properties - Campbell/Benson
Rezoning Request: From R-1, MH-1, and C-2 to OCR-1



 Area of Rezoning: R-1, MH-1, & C-2 to OCR-1

Address: Benson Hwy & Campbell Ave.
Base Maps: Twp.14S Range 14E Sec. 32
Ward: 5



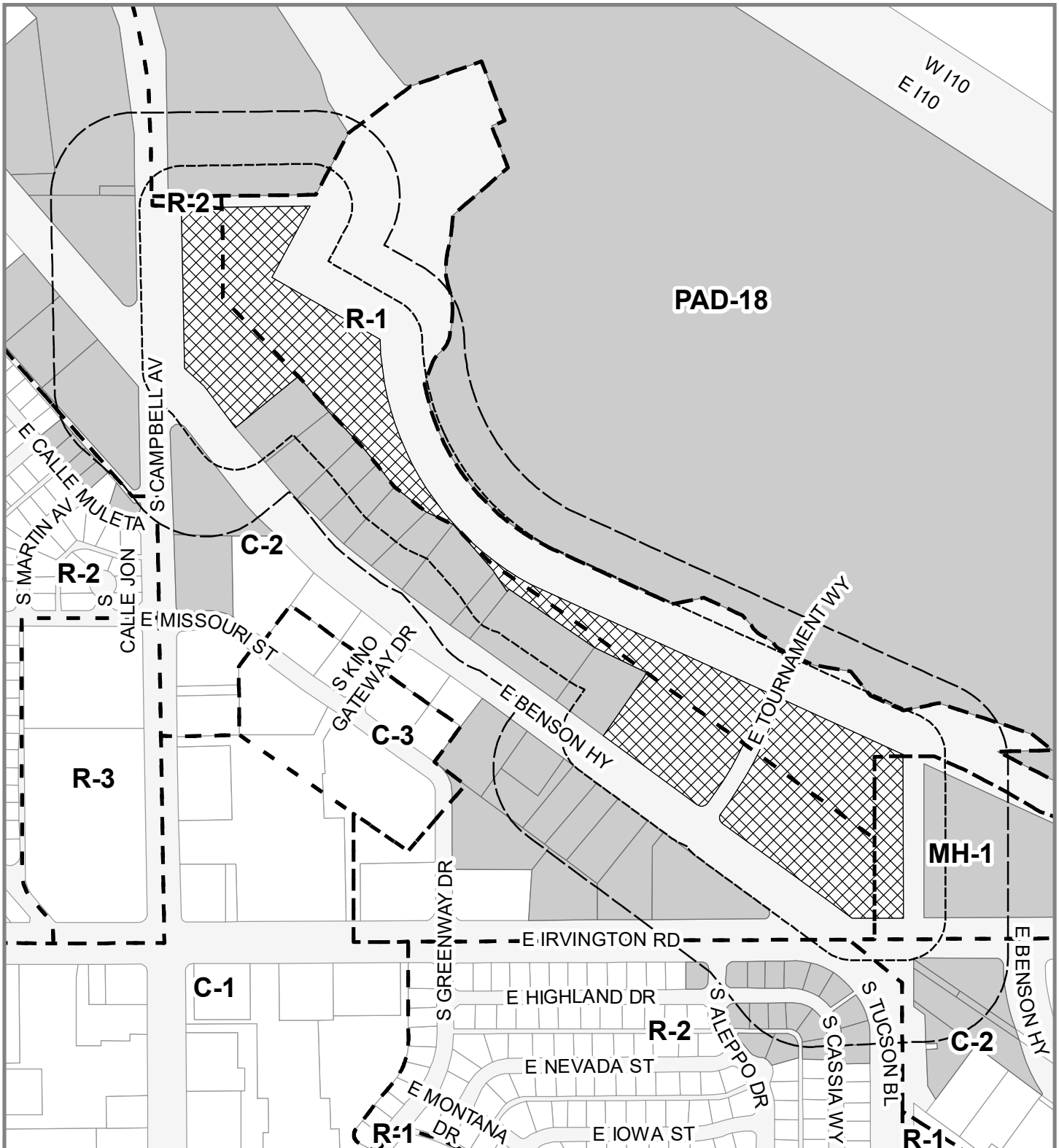
Created by: MK, 03/09/2020

0 250 500 Feet
1 inch = 500 feet

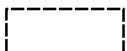


C9-20-04 4-D Properties - Campbell/Benson

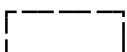
Rezoning Request: From R-1, MH-1, and C-2 to OCR-1



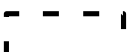
Area of Rezoning: R-1, MH-1, & C-2 to OCR-1



Protest Area (150 ft. Radius)



Notification Area (300 ft. Radius)



Zone Boundaries



Properties Notified

Address: Benson Hwy & Campbell Ave.
Base Maps: Twp.14S Range 14E Sec. 32
Ward: 5

0 250 500 Feet

1 inch = 500 feet



CONCEPTUAL SITE PLAN (EAST END)



KEYNOTES

- 1 HOSPITALITY (69,300 SF, 120 ROOMS | 110' MAX HT)
- 2 RESTAURANT (5,000 SF | 30' MAX HT)
- 3 RETAIL (3,000 SF | 30' MAX HT)
- 4 INDOOR SOCCER/SPORTS FACILITY (40,000 SF | 50' MAX HT)
- 5 FAMILY ENTERTAINMENT CENTER (25,000 SF | 45' MAX HT)
- 6 DRIVE THRU (4,000 SF | 30' MAX HT)
- 7 RESTAURANT (6,000 SF | 30' MAX HT)
- 8 RETAIL (2,000 SF | 30' MAX HT)
- 9 RESTAURANT (2,000 SF | 30' MAX HT)

NOTES

PARCEL: 132-19-003D
SIZE: 23 AC
JURISDICTION: TUCSON
EXISTING ZONING: R-1 & C-2
PROPOSED ZONING: OCR-1

EAST END COMMERCIAL: 156,300 SF
- RESTAURANT: 17,000 SF
- RETAIL: 5,000 SF
- HOSPITALITY: 69,300 SF (120 ROOMS)
- INDOOR SPORTS FACILITY: 40,000 SF
- FAMILY ENTERTAINMENT: 25,000 SF

EAST END PARKING (REQUIRED): 521
EAST END PARKING (PROVIDED): 521
- PROJECT PARKED AT 1 / 300 SF (SHOPPING CENTER STANDARD)
- 156,300 SF / 300 = 521 PARKING SPACES

CAMPBELL BENSON

PROJECT: 4DP-02 DATE: 03/06/20
FILE NAME: 4DP-02 PDP_030620.DWG

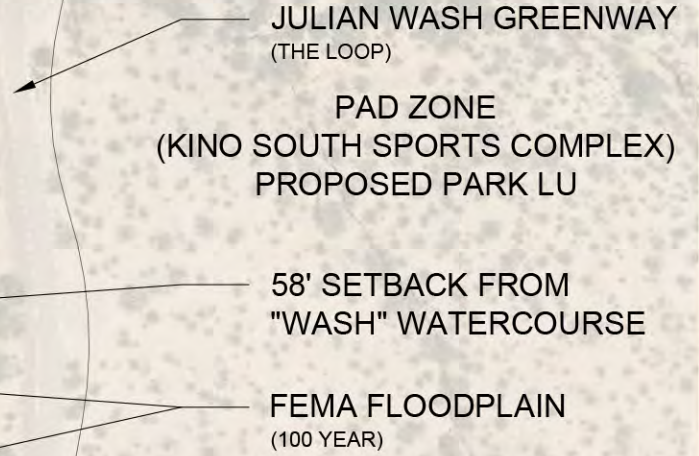
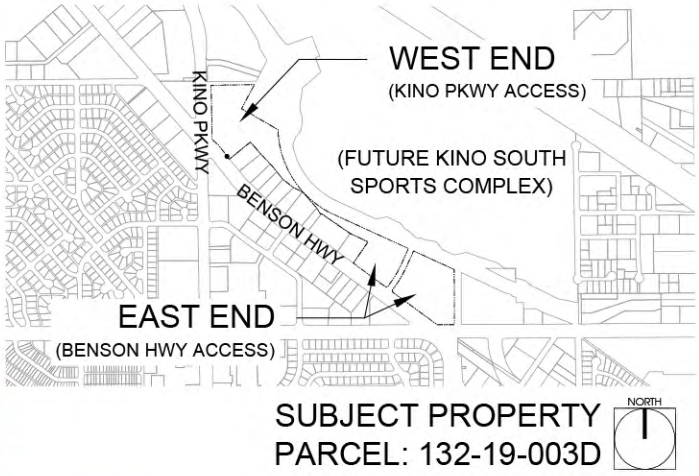
OWNER:
4-D PROPERTIES, LLP
2870 N SWAN ROAD #110
TUCSON, AZ 85712
520.325.9600

APPLICANT:
THE PLANNING CENTER
2 E CONGRESS #600
TUCSON, AZ 85701
520.623.6146

0' 60' 120'
SCALE: 1"=120'-0"



CONCEPTUAL SITE PLAN (WEST END)



NOTES

PARCEL: 132-19-003D
SIZE: 23 AC
JURISDICTION: TUCSON
EXISTING ZONING: R-1, & C-2
PROPOSED ZONING: OCR-1

WEST END COMMERCIAL: 97,500 SF
- RESTAURANT: 28,400 SF
- RETAIL: 15,000 SF
- HOSPITALITY: 54,100 SF (120 ROOMS)

WEST END PARKING (REQUIRED): 325
WEST END PARKING (PROVIDED): 325
- PROJECT PARKED AT 1 / 300 SF (SHOPPING CENTER STANDARD)
- 97,500 SF / 300 = 325 PARKING SPACES

KEYNOTES	
1	RETAIL (6,000 SF 30' MAX HT)
2	RESTAURANT (6,700 SF 30' MAX HT)
3	RETAIL (5,000 SF 30' MAX HT)
4	RESTAURANT (6,700 SF 30' MAX HT)
5	RESTAURANT (6,000 SF 30' MAX HT)
6	HOSPITALITY (54,100 SF, 120 ROOMS 90' MAX HT)
7	DRIVE THRU (4,000 SF 30' MAX HT)
8	RETAIL (4,000 SF 30' MAX HT)
9	DRIVE THRU (5,000 SF 30' MAX HT)

CAMPBELL BENSON

PROJECT: 4DP-02 DATE: 03/06/20
FILE NAME: 4DP-02 PDP_030620.DWG

OWNER:
4-D PROPERTIES, LLP
2870 N SWAN ROAD #110
TUCSON, AZ 85712
520.325.9600

APPLICANT:
THE PLANNING CENTER
2 E CONGRESS #600
TUCSON, AZ 85701
520.623.6146





Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Print your comments below, sign your name, and mail to the City of Tucson Planning and Development Services Department, Entitlements Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, Arizona 85726-7210. The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing. This form is not the City of Tucson Public Hearing Notice.

Protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', require an affirmative vote of $\frac{3}{4}$ of the Mayor and Council (5 of 7 council members) to approve the rezoning or special Exception ordinance. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations. Calculations will be provided to the Mayor and Council.

Case: C9-20-04 4-D Properties – Campbell Benson, Rezoning from R-1, MH-1 & C-2 to OCR-1 (Ward 5)

Property Owner(s) (PLEASE PRINT)

- ☐ APPROVE the proposed rezoning/special exception
☐ PROTEST the proposed rezoning/special exception

Reason:

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS

Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Entitlements Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-20-04

Expose this flap - Affix stamp and return



City of Tucson
Planning and Development Services
Department - Entitlements Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-20-04

IMPORTANT LAND USE CHANGE NOTICE ENCLOSED